

REMARKS

Claims 1-5 are pending and under consideration in this application, claims 6-15 having been withdrawn from consideration due to a restriction requirement.

In the Office Action of January 13, 2005, claims 1-2 were rejected as obvious in view the Background of the Invention and USP 6724651 (Hirai). Claims 3-5 were rejected as obvious in view of Background of the Invention, Hirai and USP 6211090 (Durlam et al.). Additionally, an objection was raised against the drawings for failing to indicate reference number 44 discussed in the specification.

In response, claims 1 and 2 have been amended to clarify the subject matter of the invention and Figure 1 has been amended to include a reference numeral. No new matter has been added.

Regarding the objection to the drawings, Figure 1 has been amended to include the missing reference numeral. Applicants also wish to point out that the reference numeral appears in Figure 3B.

Regarding the rejections of the claims, the rejections are traversed.

Independent Claim 1 recites that a through hole extends through the first interconnection and includes a contact insulated from the first interconnection. The contact electrically connects the TMR element with conductive members in an interconnection layer separate from the first and second interconnections.

The result, is a memory cell of much more reduced size.

Hirai discloses that a write line 26 is shifted or displaced away from a TMR element 34, to accommodate same. See, e.g., figure 22. There is no disclosure of the recited through hole and the interconnection provided by it.

IN THE DRAWINGS

Please amend Figure 1 to include the reference numeral "44" as illustrated in red in the attached marked up copy of that figure. A substitute sheet with the amended Figure 1 is also enclosed.

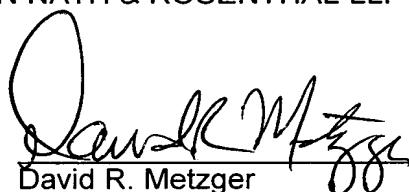
The Background of the Invention and Durlam et al fail to fairly suggest this feature of the recited through hole interconnection structure as well. Accordingly, it is submitted that the presently claimed subject matter is not obvious.

In view of the foregoing, it is submitted that claims 1-5 are patentable and that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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FIG. 1

